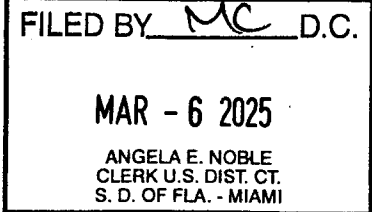


Carlos Polit Faggioni
Reg. Number: 02758-506



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF FLORIDA

Carlos Polit Faggioni
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent.

Case No. - 22-CR-20114-KMW

MOTION FOR REDUCTION OF SENTENCE PURSUANT TO 18U.S.C. 3582(c)(2)
IN LIGHT OF RETROACTIVE EFFECT OF AMENDMENT 821
ZERO POINTS OFFENDER / CRIMINAL HISTORY

Comes now, petitioner Carlos Polit Faggioni Acting Pro Se in necessity, requesting Liberal Construction to this Honorable Court when he ask for Reduction- of his sentence in the Criminal case mentioned above, in Light of the Retroactive- effect of Amendment 821.

On August 24, 2023, The United States Sentencing Commission Unanimously agreed to the retroactive application of Amendment 821 for criminal History and Zero Points Offenders, the proposed Amendment also provides a new range for sentencing proceedings and entering orders, reducing the defendant's term of imprisonment; has an effect on November 1st. 2023.

In light of the aforementioned synopsis, the Petitioner Carlos Polit Faggioni humbly comes before this Court requesting retroactive effect application of Amendment 821 as he meets the criteria therein, in support thereof, he states the following :

B A C K G R O U N D

Petitioner was arrested due to a pending warrant on him for the alleged violation of

Analysis on 2(two) points reduction/decrease for Zero-Points offender.

Petitioner original sentence determination has a criminal history category I 120 months which is almost the low range of level 30 if the 2 points reduction is applied, petitioner should be almost at the low end of level 28 which result in a new term of 97 months, respecting the same difference of the low of the guidelines.

* Original sentence served to this date: 10 months

* Good time earned for the resentencing: 2 months

* FSA time credit already applied to petitioner: None

Under the discretion of the Honorable Judge, the Court makes two determinations deciding whether or not to modify a sentence under 18 U.S.C. 3582 (c)(2). First, what sentence would have been imposed had retroactive amendment been in effect at the time the defendant was sentenced, Second, leaving untouched all the others previous factual decisions concerning the particularized sentencing factors, what sentence it would have imposed, had the new sentencing range been the range at the time of the original sentence. See U.S. v. Wyatt, 115 F.3d.606,609 (8th Circ.)

C O N C L U S I O N .

Wherefore, for the above mentioned reasons, petitioner is entitled to a reduction of sentence, petitioner Prays that this Honorable Court GRANT him this Motion for redcuton of Sentence under amendment 821.

dated on: March 2, 2025 Respectfully Submitted,

Carlos Polit Faggioni Pro Se.

CERTIFICATE OF SERVICE

I, Carlos Polit Faggioni hereby certify that I have served a true copy of the above styled motion upon the United States District Court and all parties of the record will receive notice through the Court's electronic database.

This motion was delivered to prison authority on March 2, 2025 for forwarding which is deemed filed at that time according to Houston v. Lack, 487 U.S.266 (1998).

Signature: Carlos Polit Faggioni

MIAMI FL 330

3 MAR 2025 PM 4 L

Carlos Polit-Faggioni BOP# 02758-506
Federal Correctional Institution Miami
P.O. Box 779800
Miami, FL 33177

Court Clerk
U.S. District Court for the Southern District
Wilkie D. Ferguson, Jr.
United States Courthouse
400 North Miami Avenue, Room 8
Miami, FL 33128-7718

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